UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,961	10/30/2000	Darshatkumar Shah	MS150612.1	8291

27195 7590 03/31/2006	EXAMINER
AMIN & TUROCY, LLP	GARG, YOGESH C

ART UNIT	PAPER NUMBER
3625	

AMIN & TUROCY, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/699,961	SHAH, DARSHATKUMAR
	Examiner	Art Unit	
	Yogesh C. Garg	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _12/30/05 & 1/2606_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,3-5,7,18-20,22,31,33-35,43,44,46,47,49 and 50_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1,3-5,7,18-20,22,31,33-35,43,44,46,47,49 and 50_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _02/1/06_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

12/30/2005 has been entered.

Response to Amendment

2.   Applicant's amendment received on 12/30/2005 is acknowledged and entered.

Claims 45,48 and 51 are canceled. Claims 1, 18, 19, 20, 22, 31, 33, 43, 44, 46, 47, and

50 have been amended. Currently claims 2, 6, 8-17, 21, 22-30, 32, 36-37, 45, 48 and 51

are canceled, claims 38-42 are withdrawn and claims 1, 3-5, 7, 18-20, 22, 31, 33-35,

43-44, 46-47 and 49-50 are pending for examination.

Response to Arguments

3.1.   The applicant's arguments (see Remarks, page 8 filed on 12/30/2005 concerning

rejection of claims 1, 3-7, 33-35, 43-45 and 48-51 under 35 U.S.C. 101 have been fully

considered and the rejection is withdrawn in view of the current amendments made to
claims 1, 31.

3.2.   In view of the applicant canceling claims 45, 48 and 51, Objection to these claims
in the previous office action is withdrawn.

3.3.   Applicant's arguments filed on 12/30/2005 (see Remarks, pages 8-11) with
respect to rejection of claims 1, 3, 5-7, 18-20, 22,31, 33-35, 43-44 and 49-50 have been
considered but are moot in view of the new ground(s) of rejection necessitated due to
current amendments.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.1.   Claims 1, 3-5, 7, 18-20, 22, 31, 33-35, 43-44, 46-47, and 49-50 are rejected
under 35 U.S.C. 103(a) as being unpatentable over McCollom et al. (US Patent
6,925,444 to be referred as McCollom) in view of Spiegel et al. (US Patent 6,629,079,
hereinafter referred to Spiegel) and further in view of Fergerson et al. (US Patent
5,966,697)hereinafter referred to Fergerson.

Regarding claim 1, McCollom discloses a system which facilitates electronic

shopping comprising:

a graphical image component residing on a user interface (see Fig.19);

a search engine component associated with the graphical image component, the

search engine component identifying, items from a plurality of different merchants

based on user indicated criteria and aggregating and returning items having the user

indicated criteria to the graphical image component for display and selection by a user

(see at least the search icon on Fig.19 and col.5, lines 39-53,

"The consumer shopper system 70 provides a mechanism to the user to
register and list merchant advertisement and sales items by category and
keyword. The consumer shopper system 70 also provides the user the ability to
search merchant advertisements and purchase items by keyword, category and
store name. The consumer shopper system 70 provides the ability to identify
and display advertisements and items from featured merchants. The consumer
shopper system 70 provides the mechanism to allow the user to decide what
merchant advertisements to access and further allows the user to subscribe to
specific advertisements or advertisements with a particular category of
interest to be received. The consumer shopper system 70 accomplishes a
subscription by filtering merchant advertisements and messages by category and
keyword. ....   ".

Note this search engine resides on the client side in the consumer shopper

system 70);

a shopping basket component associated with the graphical image component,

the shopping basket component providing drag and drop capabilities wherein

wherein the user elects items by dragging and dropping items from a plurality of

different - merchants into the graphical image component, the representations of the

selected items having a description, the descriptions of the selected items being

provided by the plurality of different merchants and retained by the shopping basket

component (see at least the shopping basket icon in Fig.19, col.5, lines 55-65, Fig.17 and col.18, lines 9-64 which teaches that the shopping cart residing in the consumer shopper system 70, that is on the user's computer and enables the user to hold items selected from browsing and purchasing from a plurality of merchants. The items are selected from a group of merchant products, advertisements, coupons, etc, see col.25, lines 20-23 and the items are stored in the shopping basket with description such as item description, SKU, price, etc. Provided by the merchants); and

an ordering component to provide concurrent purchasing of at least two selected items from different merchants (see at least Figs.18, 19 and col.18, line 65-col.19, line 42 which disclose ordering routines in the consumer shopper system of selected items from different stores, such as Bares & Noble, 1 800 Flowers, etc.), the search engine component, shopping basket component and ordering component residing on the user's computer (already analyzed above that all these three components are residing in the consumer shopper system 70 on the user's computer) .

Note: All the components, that is the graphical image component, the search component, the shopping basket component and the ordering component are implemented by computer-executable program stored on computer readable media.

In McCollom, the shopping cart does not drag and drop items from different merchants but instead teaches, see col.18, lines 18-27, an alternative way of selection of items by clicking and then it extracts the item ID, item description, price, etc. from the merchant and adds that information to it. The intended use of both the concepts, that is dragging and dropping data in the shopping cart as claimed in the instant

application and clicking the selected item and the shopping cart extracting the required

data and adding that data to the shopping cart is same. Also, both the concepts are

well known in the prior art at the time of the applicant's invention. Regarding drag and

drop capability, see Spiegel, in the same field of endeavor, that is conducting electronic

commerce and using shopping cart to hold the selected items (see at least col.10, lines

31-65, ... *the shopping cart selection navigation bar can be used for dragging-and-dropping items*

into the various shopping carts. For example, a user may select an item by depressing a button on a

pointing device, then drag the selected item to the selection navigation bar, and drop the item into a

shopping cart by releasing the button. When an item is dragged-and-dropped into a shopping cart,

.... ". Note: The "MECC" limitation in Spiegel allows the user to identify items from a

plurality of sources. When the items are dragged and dropped into the shopping basket

they also retain their description in the shopping basket, see FIG.1 and col.5, lines 39-

51, " *FIG. 1 is a diagram of the display illustrating the use of a shopping cart for each electronic*

commerce context. The display includes .... item detailed description 102,... .... The item

detailed description contains information describing the item currently selected by the user.

This information may include pricing data, availability data, and a general description of the item.

. ". These purchase items can be selected from a plurality of Web pages, which

represent a plurality of sources (see at least col.1, line 35-col.2, line 54-67, which

suggests that the server computer systems provides and displays Web pages in HTML

per user request and these web pages represent a plurality of sources as they could

belong to different URLs. See also col.6, line 65-col.7, line 1, " *.... The server engine*

receives HTTP IS requests to access Web pages identified by URLs and provides the Web pages to the

client systems" and FIG.4.). In view of Spiegel, it would have been obvious to one of an

ordinary skill in the art to have modified McCollom at the time of the applicant's invention to incorporate an equivalent method of selecting and adding items by way of dropping and dragging items from merchants to the shopping carts as explicitly disclosed in Spiegel and analyzed above.

McCollom in view of Spiegel does not explicitly disclose that the concurrent purchasing function is carried without further intervention from a user. However, in the same field of endeavor, Fergerson discloses that the concurrent purchasing function is carried without further intervention from a user (see at least col.4, line 49-col.5, line 24, and Figs. 1-2. Here, check-out processor corresponds to the authentication service 170 in the applicant's invention, see specification, page 9, lines 11-20, such that the checking out processor completes the ordering function without further intervention from the user because all the information required to complete the transaction is with the checking out processor which executes secure transactions similar to one claimed by the applicant, see specification, page 9, lines 11-20. In view of Fergerson, it would be obvious to one of an ordinary skilled in the art at the time of the applicant's invention to have modified McCollom in view of Spiegel as applied to claim 1 to incorporate the feature that the concurrent purchasing function is carried without further intervention from a user with the help of a checking out station, as shown in Fergerson, because it would ensure a secure transaction of placing the order for the selected items from different merchants and neither the user or the merchants have to be worried about the secured transaction which could include sensitive details such as the user's credit card, address information.

Regarding claim 3, McCollom discloses that the selected items from the plurality of different merchants having a common schema associated with the descriptions of the items (see at least col.4, lines 54-62. The common schema used in McCollom is HTML code).

Regarding claim 5, McCollom also discloses that in the system of claim 1, the user interface being an Internet browser (see at least Fig.3A, col.4, lines 54-62 and col.6, lines 12-27)).

Regarding claim 7, McCollom shows that the user interface being a desktop of the user's computer and the shopping basket component being a desktop application associated with the graphical image component (see at least Fig.19).

Regarding claim 43, McCollom teaches having a filtering component to limit the number of merchants (see at least col.5, lines 51-58 teaches using a filtering system to limit the number of merchants whose advertisement products and messages can be received by the consumer shopper system 70).

Regarding claim 44, McCollom teaches that the interaction of the plurality of different merchants with the system is facilitated by an application programming

interface (see at least col.5, line 6-col.6, line 43 which shows that the consumer's

access to various resources, such as merchants is implemented through an API).

Regarding method claims 18, 20, 22, and 46-47, their limitations are closely

parallel to the limitations of claims 1, 3, 5, 7 and 43-44 and are therefore analyzed and

rejected as being unpatentable over McCollom in view of Spiegel in view of Fergerson

based on same rationale.

Regarding claim 31, computer readable medium having computer-

executable components, its limitations are already covered in claim 1 and is therefore

analyzed and rejected as being unpatentable over McCollom in view of Spiegel in view

of Fergerson based on same rationale.

Regarding claims 33, and 49-50 its limitations are already covered in claims 1,

and 43-44 above and are therefore analyzed and rejected as being unpatentable over

McCollom in view of Spiegel based on same rationale.

Regarding claim 34, McCollom further teaches comprising a wish list

component that stores items that are automatically added to the electronic shopping

basket when user defined criteria are met (see at least col.12, line 64-col.14, line 9).

Regarding claim 35, McCollom further teaches that the electronic shopping

basket is invoked through one of an icon on a web browser and a selectable menu

option (see at least Figs 19 and 20 which shows that the shopping cart can be invoked

through one of an icon).

5.2.   Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

McCollom in view of Spiegel in view of Fergerson and further in view of Call (US Patent

6,154,738).

Regarding claim 4, McCollom in view of Spiegel in view of Fergerson discloses

that the identified items from the plurality of different sources having a common

schema associated with the descriptions of the items, that is HTML code as analyzed

above but does not disclose that the common schema is XML schema. However, Call

in the field of same endeavor, teaches that the identified items from the plurality of

different sources having a common schema associated with the descriptions of the

items and that common schema being an XML schema (see at least col.32, lines 20-

41, "*The manufacturers preferably provide product information to their connected server in the form of*

well-formed eXtensible Markup Language (XML) documents which may be validated against a

standard Document Type Definition (DTD) to which all such product information documents should

conform. The schema to which such documents adhere may be advantageously expressed in the

Resource Description Framework (RDF) and Syntax Specification, as noted earlier, to facilitate the

evolution of standardized content definitions for product and company information. The shared product

information server illustrated at 840, in its simplest form, does nothing more than make Internet

accessible data storage space available where smaller manufacturers without their own servers can make product and company information available via the Internet..........".). In view of Call, it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to have modified McCollom in view of Spiegel in view of Fergerson to incorporate the feature of having a common schema associated with the descriptions of the items, identified from a plurality of sources, and that common schema being an XML schema because it helps to present the data from different sources in a format being used by the local web page producer as explicitly shown in Call (see at least col.2, line 64-col.3, line 10).

Regarding claim 19, its limitations are already covered in claim 4 and is therefore analyzed and rejected on the same basis.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
3/29/2006